



Agenda

Utility Commission Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

February 16, 2021

6:30 PM

REGULAR UTILITY COMMISSION AGENDA

Pursuant to Governor Newsom's Executive Order N-29-20, members of the Folsom City Utility Commission and staff may participate in this meeting via teleconference.

Due to the coronavirus (COVID-19) public health emergency, the City of Folsom is allowing for remote public input during City Utility Commission meetings. Members of the public are encouraged to participate by emailing comments to ucadmin@folsom.ca.us. Emailed comments must be received no later than thirty minutes before the meeting and will be read aloud at the meeting during the agenda item. Please make your comments brief. Written comments submitted and read into the public record must adhere to the principles of the three-minute speaking time permitted for in-person public comment at City Utility Commission meetings. Members of the public wishing to participate in this meeting via teleconference may email ucadmin@folsom.ca.us no later than thirty minutes before the meeting to obtain call-in information. Each meeting may have different call-in information. Verbal comments via teleconference must adhere to the principles of the three-minute speaking time permitted for in-person public comment at City Utility Commission meetings.

Members of the public may continue to participate in the meeting in person at Folsom City Hall, 50 Natoma Street, Folsom, CA while maintaining appropriate social distancing.

CALL TO ORDER

ROLL CALL - Utility Commission Members: T.Widby, Z.Akhter, B.Mutchler, D.Kozlowski, A.Silva, D.Groat, and R.Hess

REPORT ON POSTING OF AGENDA

Agendas for the Utility Commission are posted at the Folsom City Hall and City website. (Pursuant to California Government Code Section 54954.2, the agenda for this meeting was properly posted on or before 6:30 p.m. on February 12, 2021.)

BUSINESS FROM THE FLOOR

This item is intended for comments or suggestions from the public for presentation to the Utility Commission. Any matters discussed before the Utility Commission which are not on the agenda cannot be acted upon by the Commission.

OATH OF OFFICE

ELECTION OF CHAIR AND VICE CHAIR

MINUTES

- 1. Approval of the Minutes of the November 17, 2020 Regular Meeting

DIRECTOR REPORT

OLD BUSINESS

- 1. Senate Bill 1383 Organics Recycling Update

NEW BUSINESS

- 1. Ethics Training
- 2. Utility Commission Purpose and Functions
- 3. Brown Act
- 4. Utility Commission Roster
- 5. Topics for the Year

Approved by:

Bob Mutchler, Chair

<u>Future Meetings</u>			
March 16, 2021	6:30 pm	Regular Meeting	City Hall
April 20, 2021	6:30 pm	Regular Meeting	City Hall
May 18, 2021	6:30 pm	Regular Meeting	City Hall

Copies of the written documentation relating to each item of business described above are on file in the Environmental and Water Resources Department, Folsom City Hall, 50 Natoma St., Folsom, California and are available for public inspection during regular office hours which are 8:00 a.m. to 5:00 p.m., Monday through Friday. We request advance notification to facilitate your requests. Copies of documents may be purchased for \$0.10 per page.

Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Folsom City offices, and City website. The City Hall phone number is 916-461-6000. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and an operator will assist you.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Environmental and Water Resources Department at 916-461-6162. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Please mute or turn off cellular phones, tablets, and other electronic devices during the meeting.

Oath of Office
Utility Commission
Meeting Date: 2/16/21

DATE: February 16, 2021
TO: Utility Commissioners
FROM: Marcus Yasutake, Environmental and Water Resources Director
SUBJECT: **UTILITY COMMISSION OATH OF OFFICE FOR NEW AND RE-APPOINTED UTILITY COMMISSIONERS**

BACKGROUND

New Utility Commissioners are required to take an oath of office prior to assuming official duties.

DISCUSSION

City staff will present the oath of office to the new and re-appointed Utility Commissioners. This dates also starts the 30-day window for each to file their statement of economic interests.

ACTION

Each new and re-appointed Utility Commissioner will complete the oath of office.

Election
Utility Commission
Meeting Date: 2/16/21

DATE: February 16, 2021
TO: Utility Commissioners
FROM: Marcus Yasutake, Environmental and Water Resources Director
SUBJECT: **ELECTION OF CHAIR AND VICE-CHAIR**

BACKGROUND

Per Folsom Municipal Code Section 3.23.050 the officers of the commission shall be the chairperson and vice chairperson. The chairperson and the vice chairperson of the commission shall be elected by the commission every two years, following general election, at the first meeting in February by majority vote of the full commission.

DISCUSSION

The chairperson or, in the absence of the chairperson, the vice chairperson, shall take the chair at the hour appointed for the meeting and shall call the commission to order. In the absence of the chairperson, the vice chairperson shall perform the duties and obligations of the chairperson. In the absence of the chairperson and vice chairperson, the utilities director or his/her representative shall call the commission to order, whereupon a temporary chairperson will be elected from among the members present. Upon the arrival of the chairperson or vice chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the item before the commission.

ACTION

Utility Commission shall elect a chair and vice-chair.



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Utility Commission Regular Meeting Draft Minutes

City Council Chambers | 50 Natoma Street, Folsom CA 95630
November 17, 2020
6:30 PM

Pursuant to Governor Newsom’s Executive Order N-29-20 and as noticed on the meeting agenda, members of the Utility Commission and staff may participate in this meeting via teleconference.

Call to Order

Chair Mutchler called the meeting to order at 6:30 p.m.

Roll Call

PRESENT: B. Mutchler, D. Kozlowski, T. Widby, D. Groat, M. Moore, R. Hess, T. Rood

STAFF PRESENT: Marcus Yasutake: Environmental and Water Resources Director
Emma Atkinson: Administrative Assistant, EWR

Business from the Floor

None

Minutes

Approval of the Minutes of the October 20, 2020 Regular Meeting.

Commissioner Groat motioned to accept the minutes.

Commissioner Rood seconded the motion.

Motion carried with the following vote:

AYES: Commissioners Mutchler, Kozlowski, Widby, Moore, Hess

Director’s Report

Staff Vacancies:

Director Yasutake reported that three current employees are leaving the department before the end of the year. The Water Treatment Plant Supervisor and a Senior Office Assistant are both retiring; these positions have been posted and will close within the next couple of weeks. A Water Management Specialist is moving to a position with Regional Sanitation; this position will be advertised this week.

Utility Commission update:

Due to the timing of appointing and swearing in of City Council members, this is the final meeting for the Utility Commission for this year. There will not be enough Commissioners to have a quorum for meetings in December or January, so the next meeting of the Utility Commission will be in February 2021.

Director Yasutake took this opportunity to thank all who had served on the Commission during the past year. This was reiterated by Chair Mutchler.

The Commission voted to cancel the December 2020 and January 2021 meetings:

Commissioner Rood motioned canceling of the meetings.

Commissioner Kozlowski seconded the motion.

Motion carried with the following vote:

AYES: Commissioners Mutchler, Widby, Groat, Moore, Hess

Old Business

Pinhole Leaks Update:

Director Yasutake presented a summary of the findings of Black and Veatch and Virginia Tech University, relating to the copper pipe pinhole leaks, including the consultant's recommendations and action taken by the City to date. In addition, it was reported that the City Council passed a resolution that waives permit and inspection fees for work associated with pinhole leak repair. Director Yasutake responded to questions from the Commission.

New Business

Wastewater Collections and COVID-19:

Director Yasutake reported that various wastewater agencies are participating in studies that analyze wastewater streams looking for potential correlation with COVID-19 cases experienced in the local area. Regional Sanitation is participating locally as associated samples are usually taken from Wastewater Treatment Plants. This is a relatively new field of study so more information can be brought to the Commission when available.

Director Yasutake reported that City of Folsom employees involved in wastewater collection work have had the opportunity to participate in various webinars hosted by various wastewater agencies that provide training regarding safety, PPE and daily operations. It is noted that, based on the information from these webinars, there have not been any cases of COVID-19 related to work in the wastewater collection industry in this region.

Adjournment

Meeting adjourned at 7:29pm

Respectfully Submitted:

Emma Atkinson, Administrative Assistant.

Approved:

Bob Mutchler, Utility Commission Chair.

OLD BUSINESS
Item 1
Utility Commission
Meeting Date: 2/16/2021

DATE: February 16, 2021
TO: Utility Commissioners
FROM: Dave Nugen, Public Works Director
SUBJECT: **SENATE BILL 1383 ORGANICS RECYCLING UPDATE**

BACKGROUND

Public Works staff will give an update on the impacts to the City related to Senate Bill 1383 – Organics Recycling.

ACTION

No action required. Informational update only.

NEW BUSINESS
Item 1
Utility Commission
Meeting Date: 2/16/21

DATE: February 16, 2021
TO: Utility Commissioners
FROM: Marcus Yasutake, Environmental and Water Resources Director
SUBJECT: **AB 1234 ETHICS TRAINING**

BACKGROUND

Each new or re-appointed Utility Commissioner is required to complete Ethics Training.

DISCUSSION

The City provided several different options to the Utility Commissioners, new and re-appointed, for completing the required Ethics Training as a Commissioner. The City Attorney's office will be in contact with each commissioner to complete the required Ethics Training.

ACTION

No action required. Informational update only.

DATE: February 16, 2021
TO: Utility Commissioners
FROM: Marcus Yasutake, Environmental and Water Resources Director
SUBJECT: **UTILITY COMMISSION – PURPOSE AND FUNCTIONS**

BACKGROUND

The City of Folsom Municipal Code Section 3.23 describes the purpose and functions of the Utility Commission.

DISCUSSION

The purpose of the city utility commission is to establish a forum to provide advice to the city council and the city manager regarding utility rates; the necessity and function of city utilities; and the associated costs to operate and maintain these city functions. The city utility commission is created and shall study and make recommendations to the city council and city manager on matters related to the cost of utility service studies; the scope, costs, and nature of utility services provided by the city; and staff proposals for future rate changes. Staff support to the commission shall be provided as designated by the city manager or his or her designee. Staff designated to support the commission shall not be considered an officer or member of the commission.

ACTION

No action required. Informational update only.

ATTACHMENT

Section 3.23 of the Folsom Municipal Code.

Chapter 3.23 UTILITY COMMISSION

Sections:

[3.23.010 Purpose.](#)

[3.23.020 Creation of the utility commission—Functions of the commission.](#)

[3.23.030 Membership qualifications and appointment.](#)

[3.23.040 Terms of membership—Vacancies and replacement.](#)

[3.23.050 Officers.](#)

[3.23.060 Meetings.](#)

[3.23.070 Agendas—Order of business—Voting.](#)

3.23.010 Purpose.

The purpose of the city utility commission is to establish a forum to provide advice to the city council and the city manager regarding utility rates; the necessity and function of city utilities; and the associated costs to operate and maintain these city functions. (Ord. 1037 § 2 (part), 2005)

3.23.020 Creation of the utility commission—Functions of the commission.

- A. The city utility commission (“the commission”) is created and shall study and make recommendations to the city council and city manager on matters related to the cost of utility service studies; the scope, costs, and nature of utility services provided by the city; and staff proposals for future rate changes.
- B. Staff support to the commission shall be provided as designated by the city manager or his or her designee. Staff designated to support the commission shall not be considered an officer or member of the commission. (Ord. 1037 § 2 (part), 2005)

3.23.030 Membership qualifications and appointment.

- A. All members must be residents and registered voters of the city.
- B. Each council member shall appoint one commission member whose term shall run concurrently with that of the appointing council member. Two additional members shall be appointed at-large by a majority vote of the city council for two-year terms. (Ord. 1037 § 2 (part), 2005)

3.23.040 Terms of membership—Vacancies and replacement.

The city council may remove any member of the commission at any time by majority vote of the members of the

city council. No public hearing shall be required prior to removal of any member of the commission and no cause for removal need be shown. A commission member is subject to disqualification and removal from the commission if he or she has three unexcused absences from any regularly scheduled meetings. A vacancy resulting from death, resignation, removal, disqualification or any other cause shall be filled either by an appointment from the council member appointing the commission member whose membership is being replaced or the city council in the case of an at-large position. (Ord. 1037 § 2 (part), 2005)

3.23.050 Officers.

- A. The officers of the commission shall be the chairperson and vice chairperson.
- B. The chairperson and the vice chairperson of the commission shall be elected by the commission every two years, following general election, at the first meeting in February by majority vote of the full commission. If no successor is named by the conclusion of any officer's term, the officer shall continue in the office until a successor has been named. The chairperson or the vice chairperson can be replaced by majority vote of the full commission at any time. No public hearing shall be required prior to removal of the chairperson or the vice chairperson and no cause for removal need be shown.
- C. The chairperson and vice chairperson of the commission, or such other members as may be presiding in the aforementioned positions, shall not be deprived of any of the rights or privileges of any member by reason of his/her occupying the chair and may move, second, and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members.
- D. In the absence of the chairperson, the vice chairperson shall perform the duties and obligations of the chairperson. (Ord. 1037 § 2 (part), 2005)

3.23.060 Meetings.

- A. Regular meetings of the commission shall be held in City Hall, located at 50 Natoma Street, Folsom, California. Regular meetings shall be held on the third Tuesday of each month at 6:30 p.m. There shall be no minimum number of meetings per quarter. A regularly scheduled meeting may be canceled at any time. Special meetings may be called in the manner specified by applicable state law.
- B. Four members of the commission shall constitute a quorum. When there is no quorum at a regular meeting, the chairperson, or any member of said body, shall adjourn said meeting until the next regular meeting.
- C. The chairperson or, in the absence of the chairperson, the vice chairperson, shall take the chair at the hour appointed for the meeting and shall call the commission to order. In the absence of the chairperson and vice chairperson, the utilities director or his/her representative shall call the commission to order, whereupon a temporary chairperson will be elected from among the members present. Upon the arrival of the chairperson or vice chairperson, the temporary chairperson shall relinquish the chair upon the conclusion of the item before the commission. (Ord. 1037 § 2 (part), 2005)

3.23.070 Agendas—Order of business—Voting.

A. Commission members may place items on an agenda by contacting the chairperson or the utilities director. Agendas shall be approved by the chairperson prior to the start of the meeting. Citizens or interested parties may address the commission during public comment on agenda items or during the business from the floor portion of the meeting. Agendas shall be published as required by state law.

B. At the regular meetings of the commission, the following shall be the order of business:

1. Roll call;
2. Review of summary/minutes (if applicable);
3. Business from the floor/good of the order;
4. Agenda of the utility commission;
5. Adjournment.

C. On all matters acted upon by the commission, the voting shall be a roll-call vote of the members present. The “ayes” and “noes” of the members shall be recorded upon the summary of the meeting. Except for the election of the chairperson and vice chairperson, all actions of the commission shall require an affirmative vote of the majority of the commission present and eligible to vote at the particular meeting where action is to take place.

D. All rules of order not herein provided shall be determined in accordance with Robert’s Rules of Order, Revised.

E. The commission may adjourn any regular or special meeting to a time and place specified in the order of adjournment, whether or not a quorum has been established. If a quorum is not established, no business other than adjournment may be transacted. (Ord. 1037 § 2 (part), 2005)

DATE: February 16, 2021
TO: Utility Commissioners
FROM: Marcus Yasutake, Environmental and Water Resources Director
SUBJECT: **BROWN ACT**

BACKGROUND

The Brown Act states that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in the Brown Act. Attached is League of California Cities Guide to the Brown Act.

DISCUSSION

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office. Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice.

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.

The Brown Act, however, is limited to meetings among a majority of the members of multimember government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency's business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

ACTION

No action required. Informational update only.

NEW BUSINESS
Item 4
Utility Commission
Meeting Date: 2/16/21

DATE: February 16, 2021
TO: Utility Commissioners
FROM: Marcus Yasutake, Environmental and Water Resources Director
SUBJECT: **Utility Commission Roster and Contacts**

BACKGROUND

The Environmental and Water Resources Department maintains a roster and contact information for each of the Utility Commissioners.

ACTION

Staff requests each Utility Commissioner provides their contact information on the form that will be discussed during the meeting.

NEW BUSINESS
Item 5
Utility Commission
Meeting Date: 2/16/2021

DATE: February 16, 2021
TO: Utility Commissioners
FROM: Marcus Yasutake, Environmental and Water Resources Director
SUBJECT: **UTILITY COMMISSION CALENDAR OF TOPICS**

BACKGROUND

The Utility Commission chair and vice-chair meets with the Environmental and Water Resources Director to develop the annual Calendar of Topics. Utility Commissioners can reach out to the Director or the chair or vice-chair to add discussion items to the UC agenda.

DISCUSSION

Staff will receive feedback during this meeting, if any, on any topics of interest for upcoming UC meetings. Below are some tentative placeholders for 2021.

UC Meeting	Topic
March 16, 2021	EWR & PW Fiscal Year 2021/22 Operations and Maintenance Budget
April 20, 2021	EWR & PW Fiscal Year 2021/22 Capital Improvement Budget
May 18, 2021	Corp Yard Clean Closure and Monitoring Update
June 15, 2021	
July 20, 2021	FY 2020/2021 Recap
<i>August</i>	<i>Recess to match City Council</i>
September 21, 2021	
October 19, 2021	
November 16, 2021	
December 21, 2021	

ACTION

Identify topics for future Utility Commission meetings for calendar year 2021.